

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 2-2005)TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

KPO-SUN-P4/SN-89/US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
to be assigned **10/552525**INTERNATIONAL APPLICATION NO.
PCT/JP2004/005116INTERNATIONAL FILING DATE
April 9, 2004PRIORITY DATE CLAIMED
April 11, 2003

TITLE OF INVENTION

PROCESS FOR PRODUCING FOOD AND BEVERAGE PRODUCTS FROM MALT SPROUTS
(title amended; formally Process for Producing Food or Drink from Malt Root)

APPLICANT(S) FOR DO/EO/US

KONDO, Katsu ; NAGAO, Koji; YOKOO, Yoshiaki

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

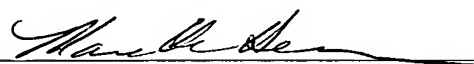
13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter. *(with Declaration)*
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV485974142US
23. ☒ Other items or information:

Certified Translation of Priority Application JP2003-108267; PCT/IB/301; PCT/IB/304; PCT/IB/308; PCT/IB/311 with International Publication No. WO 2004/084871 A1; PCT/ISA/210

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/552525 to be assigned		INTERNATIONAL APPLICATION NO. PCT/JP2004/005116		ATTORNEY'S DOCKET NUMBER KPO-SUN-P4/SN-89/US	
The following fees are submitted:				CALCULATIONS PTO USE	
24. <input checked="" type="checkbox"/> Basic national fee \$300				\$	\$300.00
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). \$100 All other situations. \$200				\$	\$200.00
26. <input checked="" type="checkbox"/> Search fee \$100 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$400 International Search Report prepared and provided to the Office \$500 All other situations.				\$	\$400.00
TOTAL OF 24, 25 and 26 =				\$	\$900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
30 - 100 =	0 /50 =	0	x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	36 - 20 =	16	x \$50.00	\$	\$800.00
Independent claims	4 - 3 =	1	x \$200.00	\$	\$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input checked="" type="checkbox"/> + \$360.00				\$	\$360.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$2,260.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$2,260.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$2,260.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$2,260.00
				Amount to be	\$
				Amount to be	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$2,260.00</u> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-3195</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer No. 44702			SIGNATURE		
Manette Dennis			Manette Dennis		
Ostrager Chong Flaherty & Broitman PC			NAME		
250 Park Avenue, Suite 825			30,623		
New York, New York 10177-0899			REGISTRATION NUMBER		
212-861-0600 ext. 101; mdennis@ocfblaw.com					

AFTER
PRELIMINARY
AMENDMENT

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): KONDO, Katsu et al.			Docket No. KPO-SUN-P4/SN-89/US	
Application No. to be assigned	Filing Date October 11, 2005	Examiner to be assigned	Customer No. 10/952525	Group Art Unit to be assigned
Invention: PROCESS FOR PRODUCING FOOD AND BEVERAGE PRODUCTS FROM MALT SPROUTS (title amended; formally Process for Producing Food or Drink from Malt Root)				
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">Transmittal Letter to the United States Designated/Elected Office Concerning a Filing under 35 U.S.C. 371</p> </div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p><u>October 11, 2005</u></p> <p><i>(Date)</i></p> </div> <div style="text-align: center;"> <p><u>Manette Dennis</u></p> <p><i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <div style="margin-top: 10px;">  </div> <p><i>(Signature of Person Mailing Correspondence)</i></p> </div> <div style="text-align: center;"> <p><u>EV485974142US</u></p> <p><i>("Express Mail" Mailing Label Number)</i></p> </div> </div>				
<p>Note: Each paper must have its own certificate of mailing.</p>				